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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,758	06/26/2003	Alan James Roddis	9052-167	5536
20792	7590	12/28/2004		
MYERS BIGEL SIBLEY & SAJOVEC				
PO BOX 37428				
RALEIGH, NC 27627				
EXAMINER				
PATEL, VISHAL A				
ART UNIT		PAPER NUMBER		
3676				

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,758

Applicant(s)

RODDIS ET AL.

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 3 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 11/22/04.

Specification

2. The disclosure is objected to because of the following informalities:

Page 7, line 2. "30 should be changed to --32--.

Appropriate correction is required.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 4-9 rejected under 35 U.S.C. 102(b) as being anticipated by Snyder (US. 2,432,694).

Regarding claims 1-2 and 4-9: Snyder discloses a mechanical seal for providing a fluid-tight seal between relatively rotatable elements (intended use, but the shaft 34 is rotating and the housing 36 is stationary) comprising first and second seal faces (first face of ring 46 and second face 10 of ring 11 that contacts the face of the ring 46) for mounting in fixed rotational relationship with respective first and second relatively rotatable elements (intended use). The mechanical seal having transmission means (13) engaging the second seal face and extending axially therefrom in a direction away from the first seal face, means (spring 32) for biasing the transmission means, and thereby the second seal face, towards the first seal face. The mechanical seal comprising drive means (drive means 27) engaging the transmission means (13) and for mounting in driving engagement with the second element (intended use, but figures show how the arrangement of the rings are can be reversed from stationary member to rotary member). The drive means including at least one radially extending engagement portion (lugs 28), which extends into an axially enclosed opening (opening 30) in the transmission means.

The drive means comprises at least two radially extending engagement portions (two lugs 28) and the transmission means comprises at least two corresponding enclosed openings (two openings 30) within which the engagement portions locate. The drive means comprises at least two engagement portions (two lugs 28), at least one engagement portion (one of lug 28) of the drive means being located in an enclosed opening (one of openings 30) of the transmission means, thereafter pivoting the drive means relative to the transmission means such that the outermost radial part of a second engagement portion (second of lug 28) of the drive means is an

interference fit with the innermost radial part of the transmission means adjacent to the enclosed opening for accommodating the second engagement portion (column 3, lines 42-50). An axial end of a second enclosed slot (second of the openings 30) of the transmission means terminates within close proximity of an axial end of the transmission means to provide a thin section (thin section that encloses the openings 30) web which elastically deforms when presented to the interference fit of the second engagement portion of the drive means (column 3, lines 40-50). The drive means and the transmission means are made of one or more thin materials (the drive means and the transmission means are made of thin materials). The drive means is made from relatively thick material (the ring 27 is made of thick material) and the drive means engagement portions are provided by a machined (method limitation is given little patentable weight in an apparatus claim) lug (lugs 28). The transmission means is made from relatively thick material (the transmission means is made of thick material, since this is a relative term). The mechanical seal is in the form of a single component mechanical seal (the mechanical seal forms a single component mechanical seal).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey, Voytech, Kurz, Hadley, Kriker, Warner, Charhut, Marsi and Sangren.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer

Application/Control Number: 10/606,758

Art Unit: 3676

Page 5

Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

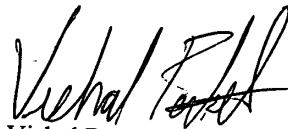
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
December 23, 2004


Vishal Patel
Patent Examiner
Tech. Center 3600